

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
*Western Division***

THE PROCTER & GAMBLE COMPANY,

Plaintiff/Counterclaim-Defendant,

v.

THE COCA-COLA COMPANY,

Defendant/Counterclaim-Plaintiff.

CIVIL ACTION NO. C-1-02-393
Judge Walter Herbert Rice
Magistrate Judge Sharon Ovington

**THE PROCTER & GAMBLE COMPANY'S MOTION FOR LEAVE TO FILE
ANSWERING CLAIM CONSTRUCTION BRIEF IN EXCESS OF TWENTY PAGES**

Pursuant to the Court's General Order No. 1, as amended on February 1, 2003, plaintiff Procter & Gamble Company ("P&G") respectfully requests leave to file a 26-page answering claim construction brief – six pages over the limit imposed by the Local Rules. The parties' answering claim construction briefs are due on February 6, 2004. As grounds for its motion, P&G states as follows:

1. Local Rule 7.2(3) and the Court's General Order No. 1 require that that briefs and/or memoranda may not exceed 20 pages.
2. At the request of defendant The Coca-Cola Company ("Coca-Cola"), the parties filed a motion on January 13, 2004 requesting, *inter alia*, leave to file 40-page opening claim construction briefs.
3. By its Order dated January 16, 2004, the Court allowed the parties to file 40-page opening claim construction briefs. Coca-Cola's filed a 38-page brief. P&G filed a 20-page brief.

4. P&G believes that it needs approximately six additional pages (exclusive of the table of contents and table of authorities) in order to fully rebut the numerous arguments that Coca-Cola raised in its 38-page opening claim construction brief.

WHEREFORE, P&G respectfully requests that the Court enter an order allowing P&G to file an answering claim construction brief in excess of 20 pages.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By its attorneys,

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Dated: February 5, 2004

LOCAL RULE 7.3(b) CERTIFICATION

I, Vinita Ferrera, Esq., counsel for the plaintiff The Procter & Gamble Company in this case, hereby certify that I have conferred with Robert L. Burns, Esq., counsel for the defendant The Coca-Cola Company, and that Coca-Cola does not oppose the granting of this motion.

/s/ Vinita Ferrera
Vinita Ferrera